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09/580,685	05/30/2000	Charles Douglas Blewett	1999-0076	1770

7590

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Samuel H Dworetsky  
AT&T Corp  
P O Box 4110  
Middletown, NJ 07748-4110

EXAMINER

LE, THANG Q

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/580,685

Applicant(s)

BLEWETT ET AL

Examiner

Thang Q Le

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 8, 9, 10, 11, 13, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) in view of Hattori et al (US 5109401)

1. As to claims 1, 9, 11 and 17, Verdonk teaches a method for providing temporary wireless services on a pay per use basis over a wireless local area network, comprising:

receiving a request for temporary wireless services from a user (fig2; step 202)

providing a temporary wireless service connection to a user ( fig2; step 210 and 212);

determining a usage amount incurred by the user for the temporary wireless service connection (fig.3; step 310 );

Verdonk fails to disclose the step of charging the user for the determined usage amount for the temporary wireless service connection. However, Hattori teaches call charge is calculated after the usage amount is obtained (fig.3; step 32 and col.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide step of charging the user for temporary wireless services connection after the usage amount is determined as taught by Hattori to the method of

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Verdonk in order to manage the call charge of a radiotelephone during speech communication and prevent wasteful, long speech communication.

2. As to claims 3 and 10, Hattori teaches the usage amount is determined by how many minutes (counted time) the user was provided the temporary wireless service connection (col.6; lines 7-17).

3. As to claims 8 and 15, Verdonk teaches that when the bill rate is increased, the user may terminate the call (fig.2; step 214 and fig.3; step 302, 304). If the user chooses to terminate the call, the MSC will receive a wireless services termination signal from user (col.7; lines 26-35).

4. As to claims 13, Hattori teaches the step of establishing a temporary wireless service connection for the user includes receiving payment information from the user. The charge rate is obtained and call charge is calculated during the wireless communication (col. 7; lines 7-17).

5. As to claim 14, Verdonk teaches the step of establishing a temporary wireless service connection for the user includes verifying the payment information received from the user. The serving MSC provides an alert to the mobile user based upon whether the call is an increased billing rate or a regular billing rate. Upon the answer from user, the system verifies the payment information received from the user (col.7; lines 9-25)

Claims 2, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk ( US 6332075) and Hattori et al ( US 5109401) in view of Orsic (US 6147986)

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6. As to claims 2, 12 and 20, Verdonk and Hattori fail to disclose a temporary wireless service connection to the user includes dynamically assigning an IP address to the user. However, Orsic teaches method of wireless communicating connection between mobile terminals/ hosts and Internet network base station cells includes assigning IP address for each mobile (col. 1; lines 14-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply teachings of Orsic into the system of Verdonk and Hattori in order to increase accuracy in telecommunication in which all traffic destined to a mobile is addressed and transmitted to one site address for the mobile.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) and Hattori et al (US 5109401) in view of Odlyzko (US 6295294)

7. As to claim 4, Verdonk and Hattori fail to disclose the usage amount is determined per byte transferred by the user. However, Odlyzko teaches a method of charging each network user for the number bytes transferred by user in according with per byte usage cost. It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine usage amount per byte during temporary wireless connection as taught by Odlyzko in order to charge user for wireless communication services based on price of one byte.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) and Hattori et al (US 5109401) in view of Shober (US 5952922)

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8. As to claim 5, Verdonk and Hattori fail to show the usage amount is determined per transaction incurred by the user. However, Shoher teaches that the system provides paying usage charges per transaction basis (col.7; lines 30-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine usage amount per transaction as taught by Shoher in order to charge user for wireless communication services based on price of one transaction.

Claim 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) and Hattori et al (US 5109401) in view of Eggleston et al (US 5764899)

9. As to claim 6 and 19, Verdond and Hattori fail to show the usage amount is determined per packet transferred by the user. However, Eggleston teaches that the user is charged on a per packet basis when it is actually transported. It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine usage amount per packet as taught by Eggleston in order to charge user for wireless communication services based on price of one packet.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) and Hattori et al (US 5109401) in view of Eng et al (US 5958018).

10. As to claim 7, Verdonk and Hattori fail to show the wireless service connection is provided to the user using an 802.11 standard wireless protocol connection. However, Eng teaches the wireless connection between two mobile is formatted in accordance with 802.11 standard. It would have been obvious to one of ordinary skill in the art at the time

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the invention was made to apply teachings of Eng to the combined method of Verdonk and Hattori in order to improve the wireless communication services.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) and Hattori et al (US 5109401) in view of Schilling (US 6003770)

11. As claim 16, Verdonk and Hattori fail to show charging the user for the usage amount for the temporary wireless service connection includes receiving a payment from the user. However, Schilling teaches the user of the wireless services connection within the determined usage amount is charged to user's calling card account for payment during speech communication time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply teachings of Schilling to the combined method of Verdonk and Hattori in order to provide convenience to users.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US 6332075) and Hattori et al (US 5109401) in view of Pepe et al (US 5742905)

12. As to claim 18, Verdonk and Hattori fail to show the wireless device is a personal digital assistant. However, Pepe teaches that the wireless device is a personal digital assistant (PDA) (col.32; lines 6-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to follow teachings of Pepe to use PDA as wireless device in order to allow users to communicate from anywhere to anywhere at any time.

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*Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang Q Le whose telephone number is (703) 305-4367. The examiner can normally be reached on M-F from 8:30AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

THANG LE

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600